

Vincent Bauer

From: Vincent Bauer
Sent: Tuesday, September 3, 2024 8:58 AM
To: Emanuel Kataev
Cc: Diane Murphy; Spencer Shapiro
Subject: RE: updated witness disclosures

Thanks, counsel. Your response, however, it at odds with the Court's Order and the FRCP. First, regarding redactions, FRCP 5.2 governs filings with the Court, not document productions between parties. As such, your client has no basis for its redactions. Your responses to the referenced document demands are also improper. In that regard, Plaintiff is required to conduct a good faith search for and the produce all documents responsive to each of the referenced requests. The Court has already ruled on Plaintiff's objections, and has not authorized anything less than a complete response to each outstanding request. Accordingly, I expect that by Friday, September 6, Plaintiff will produce all responsive documents and will confirm in a certification that it has conducted a thorough search for responsive documents and provided all responsive documents to you. You are also required to confirm that you have produced all responsive documents. Thanks.

From: Emanuel Kataev <emanuel@sagelegal.nyc>
Sent: Monday, September 2, 2024 2:58 PM
To: Vincent Bauer <vbauer@vbauerlaw.com>
Cc: Diane Murphy <dmurphy@rfriedmanlaw.com>; Spencer Shapiro <sshapiro@rfriedmanlaw.com>
Subject: RE: updated witness disclosures

Vin:

I met with my client to go over the asserted discovery deficiencies you raise which I copy in italics below and respond to *seriatim*.

Thank you, Emanuel. This schedule, however, as well as the other schedule you produced in discovery and Plaintiff's pay records, have been redacted. Unless the reason for those redactions was privilege, all of the foregoing documents must be produced in their unredacted form.

Please see Rule 5.2 of the Federal Rules of Civil Procedure. The only items that have been redacted from the Schedule C are the tax identification numbers. Defendant EK Premier Services LLC ("EK Premier") will not be reproducing these documents in unredacted form. If you believe anything other than tax identification numbers have been redacted, please identify same by Bates number.

Additionally, I wish to confirm that, pursuant to the Court's Order yesterday, you will be producing by the end of August the following documents:

- 1. All documents withheld from production with respect to Plaintiff's document requests Nos. 1, 3, 4, 5, 7 and 9 on the basis of objections other than privilege.*

Document Request No.: 1

EK Premier will produce by Friday, September 6, 2024 redacted bank statements showing \$119,327.65 in deposits in 2021 & \$147,563.86 in deposits in 2022, with only \$ 37,283.80 in deposits in 2023.

Document Request No.: 3

We will produce by Friday, September 6, 2024 text messages.

Document Request No.: 4

We have no further documents but continue our search as set forth in our response.

Document Request No.: 5

EK Premier is not in possession, custody, or control of any responsive documents.

Document Request No.: 7

EK Premier maintains its objections.

Document Request No.: 9

EK Premier maintains its objections.

2. *Documents responsive to Plaintiff's document requests Nos. 1, 5 and 7-10.*

Document Request No.: 1

See above.

Document Request No.: 5

See above.

Document Request No.: 7

See above.

Document Request No.: 8

EK Premier maintains its objections.

Document Request No.: 9

See above.

Document Request No.: 10

EK Premier maintains its objections.

3. *Documents responsive to Plaintiff's second set of document requests.*

See response to Document Request No. 1 from Plaintiff's first set of document requests.

Thanks and best,

Emanuel Kataev, Esq.
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